

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

GEOVANI DAVILA

FILED

HARRISBURG, PA

FEB 27 2006

MARY E. D'ANDREA, CLERK

Per

CRIMINAL NO. 12CR-01-018

J Rambo

Motion For Appeal of
Denial of Habeas Corpus
2255 Petition Dec 5, 2005

MOTION FOR EXTENSION OF TIME REQUIREMENT TO FILE APPEAL

COMES NOW, GEOVANI DAVILA, petitioner pro se,

who files this motion for extension of time to file a notice of appeal

Pursuant to Rule 4(d), Federal Rules of Appellate Procedure, and

Rule 3.4, Third Circuit Local Appellate Rules. This appeal is

of the District Courts Ruling on December 5th, 2005 which

was not received by petitioner/defendant until Jan^{30th} 2006

during the preceding time defendant was in Oklahoma hardcore STATION, JAIL

awaiting transfer to his current confinement FCI Mcmanis, he is

forwarding to this court a copy of the legal envelope that was

p92

used by defendant's court appointed attorney to
 notify defendant his 2255 habeas corpus petition was
 denied on December 5, 2005, since petitioner/defendant
 was in transit ^{during} the thirty day required appeal time period,
 required by the court, he should be allowed to "file" his
 "notice of appeal," and have it accepted as timely due to the
 described circumstances; Further since petitioner did not
 receive the 'notice of entry' of judgment within twenty one (21)
 days of its entry; he herein ^{request(s)} the District Court to reopen the time
 for appeal. Petitioner/defendant is enclosing a photocopy of the
 legal mail envelope used by the court appointed attorney Dennis E. Boyle
 postmarked Jan 26, 2006 and Received by petitioner on Jan 30, 2006.
 For Just cause shown defendant request an extension on his appeal.

Notice:

xSexL Dorian Wain's

Geovanni Davila #54826-066

FCL-Gilmer

P.O. Box 6000 C-1 # 116 L

Filed: February 22, ND 2006

cc: Clerk of the Court

Attachment - Legal Envelope - Provides

Ref: HEUVAN, DAVIDA # 54826-066

FCT Milmer

P.O. Box 6000 C-1 # 116 L

Glennville, WA # 26351-6000

Feb 22, 2006

Dear Clerk of the Court:

Enclosed please find evidence I believe indicates I
did not receive the honorable's court decision until Jan 30, 2006
and A.K. my enclosed motion be considered.

X Heuvan Davita

CONFIDENTIAL LEGAL MAIL

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First Class Mail



Dennis E. Boyle, Esquire
1525 Cedar Cliff Drive
Camp Hill, PA 17011-7707

TO: Giovanni Davila #54826-066
FCI Gilmer
P. O. Box 6000
Glenville, WV 26351-6000

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JAN 27 2006
UNITED STATES
MAILED FROM CAMP HILL PA

First Class Mail

LEGAL CORRESPONDENCE
SENT IN PRESENCE OF INMATE

1-30-06
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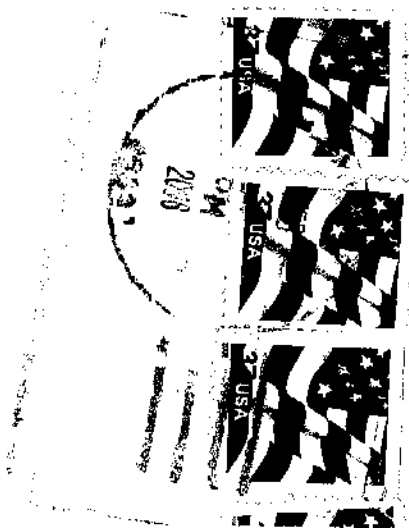
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FIRST CLASS

GEOVANNI DAVILA #54826-066
Federal Correctional Institutional Gilmer
P.O. Box 6000
Glennville, WV. 26351

Mary E. D'Andrea, Clerk
United States District Court
P.O. Box 983
Harrisburg, Pa. 17108-0983



LEGAL MAIL